

MINUTES

BOARD OF ADJUSTMENT HEARING

May 13, 2009

ATTENDANCE

Board Members

ATTENDED

1. Bill Arendell, Chairman
2. Hartley Turley

ABSENT

Carla Bowen

Staff Attendance

1. Linda Elliott, Planner I
2. Doris Hernandez, Secretary

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 10:02 a.m.

Bill Arendell called the meeting of the Navajo County Board of Adjustment to order and explained the meeting procedures to the public. Mr. Arendell then led the Pledge of Allegiance.

Item #1 – ACTION: VARIANCE APPLICANT/OWNER: Rocking Chair Ranch, Bill Elkins
PARCEL INFORMATION: 5333 SR 377, Lot 1, Rocking Chair Ranch APN: 201-13-001, Township 14 North, Range 19 East, Section 3 of the Gila and Salt River Meridian. District: III
Area: From Holbrook, travel south along Hwy 77 to Hwy 377, then west to site. Parcel Size: 6720 Acres
GENERAL CHARACTER OF NEIGHBORHOOD: This property and all properties surrounding it are all zoned A-General. Most of the area is ranch land used for grazing, rolling hills and sparse vegetation. The APS Dry Lake Substation easement is 1.43 acres. The site is 498.70' from the NW corner and 1020.09' south. **ZONING DISTRICTS:** Current: A-General
Uses: Residential Single-family dwellings, schools, parks, churches, farms, public utility buildings, playgrounds, public riding stables, feed stores and other community buildings.
ZONING ORDINANCE: Article(s): 28 – Board of Adjustment Section(s): 2802- Power and Duties
STATED REASON FOR REQUEST: Variance from the Navajo County required 6-foot fence height to an 8-foot fence height. The fence will be topped with three strands of barbed wire.
CHANGING CONDITIONS: No adverse effect anticipated due to the increased fence height.
FINDINGS OF FACT: The legal for this item has been properly noticed in the Holbrook Tribune and placards were posted in the neighborhood in compliance with Arizona Revised Statutes and Article 28. The applicant has submitted the plans and supporting statement required by Article 28, Section 2802 (2), and said plans and supporting statement are complete and adequate for the Board's purposes. The subject parcel is zoned A-General. The height limitation of the fence is one for which a Variance may properly be granted pursuant to Section 2802 (2). Staff feels that the granting of the variance for an 8-foot fence height is in line with the uses allowed in the zoning district. The APS standard fence height is no less than 8 feet. The fence will be constructed of chain link topped with 1-foot of three strands of barbed wire. APS designs to National Electric Safety Code (NESC) guidelines per their Risk Management policy. The safety guidelines are developed to assure employee and public safety. NESC guidelines stipulate this height.
ENGINEERING: The Engineering Division has reviewed the information provided for the proposed Variance request for the increased fence height. Engineering has no objections to this request.
DRAINAGE & TRAFFIC: The Engineering Department has

completed the drainage review for the variance. We have no concerns with the issuance of this variance. **FLOOD CONTROL:** The FEMA map 3775E dated 9/26/08 shows that this property is not in a Floodplain. The Flood Control Staff has no objection to the proposed variance for the parcel listed above. **PLANNING & ZONING:** Staff has reviewed the variance request and finds it ready for processing. Staff foresees no adverse effect due to the increased fence height. All development and construction of the site must adhere to the County's permitting requirements **PUBLIC WORKS DEPARTMENT RECOMMENDATION:** Should the Board grant this Variance request, staff would recommend the following conditions be applied. The variance shall automatically expire if substantial construction, in accordance with the plans for which the variance is granted, has not been completed within one year from the date on which the variance is granted. **Linda Elliott** gave a brief description of the parcel and displayed a map of the property. **Linda** stated that item 1 & 2 are on the same property. She explained that one is for the O&M building fence variance and the other fence variance is surrounding the substation, so it is actually for the same height and type of fence and are just asking for a variance to get the height for the fences. **Bill Arendell** asked if both variances are for the same issue. **Linda** answered yes. **Mr. Arendell** asked if it is all the same property but different locations. **Linda** said yes. She also added that they are a little further apart than what they like to allow for just one variance, so that is the purpose of the two variances. **Hartley Turley** made a motion to approve variance 1. **Mr. Arendell** seconded the motion. **Variance passes unanimously by Resolution #9:01B.**

Item #2 – ACTION: VARIANCE APPLICANT/OWNER: Rocking Chair Ranch, Bill Elkins
PARCEL INFORMATION: 5333 SR 377, Lot 1, Rocking Chair Ranch APN: 201-13-001, Township 14 North, Range 19 East, Section 3 of the Gila and Salt River Meridian. District: III Area: From Holbrook, travel south along Hwy 77 to Hwy 377, then west to site. Parcel Size: 6720 Acres **GENERAL CHARACTER OF NEIGHBORHOOD:** This property and all properties surrounding it are all zoned A-General. Most of the area is ranch land used for grazing, rolling hills and sparse vegetation. The proposed site is 1.43 acres. The site is 498.70' from the NW corner and 1020.09' south. **ZONING DISTRICTS:** Current: A-General Uses: Residential Single-family dwellings, schools, parks, churches, farms, public utility buildings, playgrounds, public riding stables, feed stores and other community buildings. **ZONING ORDINANCE:** Article(s): 28 – Board of Adjustment Section(s): 2802- Power and Duties **STATED REASON FOR REQUEST:** Variance from the Navajo County required 6-foot fence height to an 8-foot fence height. The fence will be topped with three strands of barbed wire. **CHANGING CONDITIONS:** No adverse effect anticipated due to the increased fence height. **FINDINGS OF FACT:** The legal for this item has been properly noticed in the Holbrook Tribune and placards were posted in the neighborhood in compliance with Arizona Revised Statutes and Article 28. The applicant has submitted the plans and supporting statement required by Article 28, Section 2802 (2), and said plans and supporting statement are complete and adequate for the Board's purposes. The subject parcel is zoned A-General. The height limitation of the fence is one for which a Variance may properly be granted pursuant to Section 2802 (2). Staff feels that the granting of the variance for an 8-foot fence height is in line with the uses allowed in the zoning district. The fence will be constructed of chain link topped with 1-foot of three strands of barbed wire. **ENGINEERING:** The Engineering Division has reviewed the information provided for the proposed Variance request for the increased fence height. Engineering has no objections to this request. **DRAINAGE & TRAFFIC:** The Engineering Department has completed the drainage review for the variance. We have no concerns with the issuance of this variance. **FLOOD CONTROL:** The FEMA map 3775E dated 9/26/08 shows that this property is not in a Floodplain. The Flood Control Staff has no objection to the variance for the project. **PLANNING & ZONING:** Staff has reviewed the variance request and finds it ready for processing. Staff foresees no adverse effect due to the increased fence height. All

development and construction of the site must adhere to the County's permitting requirements
PUBLIC WORKS DEPARTMENT RECOMMENDATION: Should the Board grant this Variance request, staff would recommend the following conditions be applied. The variance shall automatically expire if substantial construction, in accordance with the plans for which the variance is granted, has not been completed within one year from the date on which the variance is granted. Mr. Arendell made a motion to approve variance 2. Mr. Turley seconded the motion. **Variance passes unanimously by Resolution # 09:02B**

Item #3 – Possible approval of the minutes for the December 10, 2008 meeting. Hartley Turley made a motion to approve the minutes. Bill Arendell seconded the motion. Motion passes with a vote of 2 to 0.

Item #4 – Board Members comments and/or directions to staff. The Board Members may use this time to offer additional comments regarding any item on this agenda or any other topic; and the board may direct Development Services Department Staff to study or provide additional information on topics of the Boards' choosing.

With there being no further business to come before the Board of Adjustment, the meeting was adjourned 10:06 a.m. A motion was made to adjourn the meeting by Bill Arendell. Hartley Turley seconded the motion. Motion passes unanimously.

Approved this _____ day of _____, _____.

Chairman, Navajo County
Board of Adjustment
ATTEST:

Secretary, Navajo County
Board of Adjustment